

## Message Text

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PAGE 01 STATE 168928  
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY NEA/ARP:FGERLACH/JRCOUNTRYMAN  
APPROVED BY NEA:WCRAWFORD  
PA:KBROWN  
CA:RHENNEMEYER  
HA:OJONES  
S/S-O:FLEISCHER

-----015722 040433Z /16

O 040400Z JUL 78 ZFF4  
FM SECSTATE WASHDC  
TO AMEMBASSY JIDDA NIACT IMMEDIATE  
INFO AMCONSUL DHAHRAN IMMEDIATE  
USLO RIYADH IMMEDIATE

C O N F I D E N T I A L STATE 168928

EXDIS

E.O. 11652: GDS

TAGS: CASC, SA

SUBJECT: PROLONGED DETENTION OF AMCITS

REFS: (A) DHAHRAN 776 (B) DHAHRAN 794 (C) RIYADH 514

1. AMBASSADOR SHOULD USE EARLY OCCASION TO EXPRESS TO  
APPROPRIATE SAG OFFICIALS OUR CONCERN ABOUT TREATMENT OF  
AMCIT OFFENDERS IN SAUDI ARABIA, USING FOLLOWING TALKING  
POINTS:

-- USG DOES NOT WISH TO COMMENT ON SAUDI LEGAL SYSTEM OR  
INTERFERE IN SAG JUDICIAL PROCESSES. NOR ARE WE  
SUGGESTING THAT AMERICANS HAVE BEEN ARBITRARILY OR UN-  
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JUSTIFIABLY ARRESTED OR SUBJECTED TO UNFAIR TRIALS. WE  
RECOGNIZE THAT SAUDI ARABIA HAS ONE OF THE LOWEST CRIME  
RATES OF ANY COUNTRY IN THE WORLD.

-- NONETHELESS WE WOULD LIKE TO POINT OUT THAT THE EYES OF  
THE WORLD ARE VERY MUCH FOCUSSED ON SAUDI ARABIA THESE  
DAYS. WERE SAUDI ARABIA TO CHANGE ITS PREVIOUS PRACTICE

AND NOW EXTEND ISLAMIC LAW PENALTIES -- SUCH AS FLOGGING -- TO FOREIGNERS, INCLUDING AMERICANS, THE EFFECT ON PUBLIC AND CONGRESSIONAL OPINION IN THE U.S. WOULD BE VERY NEGATIVE.

-- FOR THE PAST DECADE, BUT ESPECIALLY DURING THE RECENT F-15 HEARINGS, ADMINISTRATION SPOKESMEN HAVE BEEN ABLE TO MAKE AN INCREASINGLY PERSUASIVE CASE TO THE AMERICAN PUBLIC THAT THERE IS A "SPECIAL RELATIONSHIP" BETWEEN OUR TWO COUNTRIES. WE HAVE BEEN ABLE TO DO THIS NOT ONLY BECAUSE WE CAN POINT TO A BROAD RANGE OF INTERNATIONAL ISSUES ON WHICH WE AGREE, BUT ALSO BECAUSE BOTH OUR GOVERNMENTS HAVE TAKEN GREAT PAINS TO PREVENT PUBLIC CONTROVERSY OVER ANY AREAS OF OUR RELATIONSHIP WHERE THERE ARE PROBLEMS.

-- PARTICULARLY IN LIGHT OF THE ADMINISTRATION'S CONCERNS FOR HUMAN RIGHTS THROUGHOUT THE WORLD, THE EXTENSION TO FOREIGNERS OF PUNISHMENTS GENERALLY REGARDED IN THE WESTERN WORLD AS CRUEL OR UNUSUAL WOULD INEVITABLY PRODUCE A NEGATIVE PUBLIC REACTION IN THE UNITED STATES. IT WOULD PROVIDE THOSE WHO OPPOSE CLOSE US-SAUDI COOPERATION WITH AN EMOTIONAL ISSUE WITH WHICH TO QUESTION THE LONG-TERM VIABILITY OF OUR COOPERATION IN OTHER AREAS.

-- WE DEEPLY APPRECIATE FACT THAT SAG HAS LONG TREATED NON-CONFIDENTIAL

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MUSLIMS MORE LENIENTLY THAN MUSLIMS AND THAT IT HAS USUALLY WAIVED CERTAIN TYPES OF PUNISHMENT PRESCRIBED BY KORAN.

-- WHILE WE CAN UNDERSTAND THE SAG'S DESIRE TO STANDARDIZE PUNISHMENTS, WE FEEL WE MUST POINT OUT THE IMPACT THAT CORPORAL PUNISHMENT OF AMCITS WOULD HAVE ON OUR RELATIONSHIP.

-- WE WOULD LIKE TO POINT OUT FURTHER THAT EXTENSIVE DELAYS IN SAG CONSIDERATION OF FORMAL APPEALS AGAINST CORPORAL PUNISHMENT IN ITSELF CREATE PROBLEMS, PARTICULARLY IN CASES OF MINOR OFFENSES. (YOU MAY CITE IN THIS RESPECT CASE OF JACK W. WILSON (DHAHRAN 776), WHO WAS CONVICTED OF ALCOHOL OFFENSE BUT WHO HAS NOT BEEN ALLOWED TO LEAVE COUNTRY SINCE HE WAS RELEASED FROM PRISON IN DECEMBER 1977.)

-- ONE POSSIBLE COMPROMISE SAG MIGHT CONSIDER WOULD BE FOR STANDARDIZED SENTENCES TO BE IMPOSED ON ALL BUT WITH CORPORAL PUNISHMENT BEING WAIVED AUTOMATICALLY (AND WITHOUT DELAY) IN CASES OF NON-MUSLIMS.

-- IN CONCLUSION WE RECOGNIZE THAT, GIVEN SIZE OF US PRESENCE IN SAUDI ARABIA, THERE WILL INEVITABLY BE SOME PERSONS WHO RUN AFOUL OF SAUDI LAW. WE ARE, OF COURSE, DOING WHAT WE CAN UNILATERALLY TO ASSURE THAT AMCITS UNDERSTAND AND RESPECT THAT LAW. IT WOULD BE VERY USEFUL IF WE COULD, IN ADDITION, DEVELOP A FORMAL BILATERAL

UNDERSTANDING -- A CONSULAR CONVENTION -- TO GOVERN INTER ALIA, THE OBLIGATIONS EACH COUNTRY HAS TO THE OTHER IN TERMS OF THE HANDLING OF ARREST CASES. AS WE INDICATED TO AMBASSADOR ALIREZA LAST FEBRUARY WHEN WE GAVE HIM A MODEL CONVENTION, WE DESIRE TO NEGOTIATE AND SIGN SUCH A CONVENTION WITHOUT DELAY.

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2. PLEASE REPORT FULLY ON ACTION TAKEN PURSUANT TO THIS INSTRUCTION. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INSTRUCTIONS, CITIZEN PROTECTION, ATROCITIES  
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**Copy:** SINGLE  
**Draft Date:** 04 jul 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
**Document Number:** 1978STATE168928  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** FGERLACH/JRCOUNTRYMAN  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** EXDIS  
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**Page Count:** 3  
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**Review Event:**  
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**TAGS:** CASC, PDIP, SA, US  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014